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FILED
JUN 25 1960
JAMES R. BROWNING, Clerk

No. 10, ORIGINAL

In the Supreme Court of the United States

OCTOBER TERM, 1959

UNITED STATES OF AMERICA
Plaintiff

V.

STATES OF LOUISIANA, TEXAS, MISSISSIPPI, ALABAMA and FLORIDA

PETITION OF STATE OF MISSISSIPPI FOR REHEARING

JOE T. PATTERSON
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New Capitol Building
Jackson, Mississippi

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STATES OF LOUISIANA, TEXAS, MISSISSIPPI, ALABAMA and FLORIDA

PETITION OF STATE OF MISSISSIPPI FOR REHEARING

The defendant State of Mississippi hereby petitions the Court for a rehearing of this cause and reconsideration of the Opinion and Judgment rendered on May 31, 1960.

ARGUMENT

The Submerged Lands Act makes no special reference whatsoever to the States of Texas and Florida that would indicate that these states were to be vested with ownership and jurisdiction over more submerged lands than the other states bordering on the Gulf of Mexico.

Whatever was intended to be conveyed by the Submerged Lands Act was made applicable equally to all states bordering on the Gulf of Mexico.

Mississippi's Gulf Boundary has been consistently defined, claimed, and recognized as extending six (6) leagues from shore into the Gulf of Mexico.

(a) Proclamation of King George III of October 7, 1763, wherein he described West Florida as "bounded to the Southward by the Gulf of Mexico, including all islands within six (6) leagues of the coast, from the River Apalachicola to Lake Ponchartrain . . ." (see our separate answer and also Harlan's majority opinion)

(b) Enabling Acts of Congress (see our separate answer for descriptions)

(c) Act of Admission (see our separate answer for descriptions)

(d) Boundary Descriptions in Mississippi Constitutions (see our separate answer for descriptions)

The Congress, when it passed the Submerged Lands Act, considered the Gulf States as an unit of states and distinguished from the Atlantic and Pacific Coastal States by permitting them to claim to the extent of three (3) leagues, rather than three (3) miles from the coast.

If it had been the intention of Congress to differentiate among the several Gulf States, it might easily have done so. But this it did not choose to do.

Rather, at the time of the passage of the Submerged Lands Act, as stated by Mr. Justice Black (opinion wherein he concurred in part and dissented in part, page, 1, 2), "Congress . . . believed that *all* Coast States were equally entitled to keep all submerged land they had long treated as their own, without regard to technical legal ownership or boundaries." And in passing said Act, Congress gave expression to it's desire "to

have the ancient boundaries of these Gulf States determined on the basis of their long-unchallenged claims, rather than by the use of subtle, refined legal inferences . . ." (Mr. Justice Black's opinion wherein he concurred in part and dissented in part, page 9) We respectfully submit that any other interpretation of the Submerged Lands Act does violence to the manifest intention of Congress.

Granting to Texas and Florida ownership and sovereignty over a three (3) league marginal belt, while denying it to Mississippi, Louisiana, and Alabama, — "is bound to frustrate the intention of Congress to settle this whole Gulf States controversy at this time. (from opinion of Mr. Justice Black wherein he concurs in part and dissents in part, page 14)

We agree with the statement of Mr. Justice Douglas on page 17 wherein he says — ". . . and I agree with Mr. Justice Black that the discrimination in favor of Texas and against Louisiana, Alabama, and Mississippi is quite unjustified."

The reasoning set forth in the dissenting opinion of Mr. Justice Black states the position of Mississippi herein.

CONCLUSION

We submit that this Petition for Rehearing should be granted and that this Court should declare that the measure of the grant under the Submerged Lands Act to the State of Mississippi extends three (3) leagues from it's coast into the Gulf of Mexico.

Respectfully submitted,

JOE T. PATTERSON
Attorney General
State of Mississippi

PROOF OF SERVICE

I, Joe T. Patterson, Attorney General of Mississippi, certify that on the 24 day of June, 1960, I mailed copies of the foregoing Petition for Rehearing to the Solicitor General of the United States at the Department of Justice Building, Washington, D. C., and to the Attorneys General of the states of Texas, Louisiana, Alabama, and Florida.

Joe T. Patterson

JOE T. PATTERSON
Attorney General of Mississippi

CERTIFICATE

I, Joe T. Patterson, Attorney General of Mississippi, certify that the foregoing Petition for Rehearing is filed in good faith and not for delay.

This 24 day of June, 1960.

Joe T. Patterson

JOE T. PATTERSON
Attorney General of Mississippi